

MAGISTRATE JUDGE J. KELLEY ARNOLD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,)	NO. 06-5082M
)	
Plaintiff,)	
)	ORDER GRANTING UNOPPOSED
vs.)	MOTION TO CONTINUE TRIAL
)	DATE
ALVIN STEVE PENN,)	
)	
Defendant.)	
_____)	

Based on the unopposed motion of the defendant to continue the trial date, the Court makes the following findings of fact and conclusions of law:

1. The ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).
2. Proceeding to trial absent adequate time for the defense to prepare would result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(B)(i).
3. The defense needs additional time to continue to explore issues related to trial, including all relevant issues and defenses applicable to the case, which would make it unreasonable to expect adequate preparation for pretrial proceedings or for trial itself within the time limits established by the Speedy Trial Act and currently set for this case. 18 U.S.C. § 3161(h)(8)(B)(ii).

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1 4. Taking into account the exercise of due diligence, a continuance is necessary
2 to allow the defendant the reasonable time for effective preparation of his defense.

3 18 U.S.C. § 3161(h)(8)(B)(iv).

4 NOW, THEREFORE,

5 IT IS HEREBY ORDERED that the trial date is continued from October 2, 2006
6 to January 8, 2007. The resulting period of delay from October 2, 2006 to January 8,
7 2007, is hereby excluded for speedy trial purposes under 18 U.S.C. § 3161(h)(8)(A) and
8 (B).

9 DONE this 19th day of September, 2006.

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12 /s/ J. Kelley Arnold
13 J. KELLEY ARNOLD
UNITED STATES MAGISTRATE JUDGE

14 Presented By:

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16
17 /s/
18 Linda R. Sullivan
Attorney for Defendant